

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:09CR457
Plaintiff,)	
)	MOTION TO DISMISS FORFEITURE
vs.)	ALLEGATION
)	
SHANNON WILLIAMS,)	
)	
Defendant.)	

COMES NOW the Plaintiff, the United States of America, by and through Assistant United States Attorney, Robert C. Sigler, and moves the Court for an Order dismissing the forfeiture allegation of the superseding indictment filed herein without prejudice to the filing of an *in rem* complaint seeking forfeiture of those same items. In support of this motion, the United States respectfully shows the Court as follows:

1. The United States intends to file a civil forfeiture proceeding seeking the forfeiture of the monies and real properties set out in the forfeiture allegation of the superseding indictment.

2. Because of the violation Rule 32.2 of the Federal Rules of Criminal Procedure, the original jury who heard the trial of the substantive counts is not available to consider the forfeiture allegation. A civil *in rem* proceeding concerning the items sought to be forfeited can proceed expeditiously under the Rules of Civil Procedure applicable to such a proceeding.

WHEREFORE, the United States prays for an Order of the Court dismissing the forfeiture allegation of the superseding indictment filed herein without prejudice to the filing by the United States of the civil complaint *in rem* directed against those same items listed in the forfeiture allegation.

Respectfully submitted,

UNITED STATES OF AMERICA,
Plaintiff

DEBORAH R. GILG
United States Attorney

s/*Robert C. Sigler*
By: ROBERT C. SIGLER #13836
Assistant U.S. Attorney
1620 Dodge Street, Suite 1400
Omaha, Nebraska 68102
(402) 661-3700

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify on October 21, 2011, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following CM/ECF participant(s): Donald L. Schense.

I further certify that a true and correct copy of the foregoing was delivered to the following non CM/ECF participant by placing same in the U.S. Mail, properly addressed and postage prepaid:

Shannon Williams
Pottawattamie County Jail
1400 Big Lake Road
Council Bluffs, IA 51501

s/*Robert C. Sigler*
ROBERT C. SIGLER
Assistant United States Attorney